

"The following draft minutes of the Board meeting have not been adopted by the Board and are provided for general information only"

**CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OPEN MEETING MINUTES
FEBRUARY 27, 2004
10:00 A.M.
630 "K" STREET
FIRST FLOOR HEARING ROOM
SACRAMENTO, CALIFORNIA**

The California Victim Compensation and Government Claims Board convened its regular session at the call of the chairperson Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, February 27, 2004, at 10:03 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Interim Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; in the audience were David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division; Janice Hill, Chief Hearing Officer, Hearing and Appeals Division; Maria Keller, Manager, Hearing and Appeals Division; Pete Williams, Deputy Executive Officer, Victim Compensation Program; and Shirley Ramudo, Chief, Audits Branch. Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

Mr. Aguiar swore in Michael A. Ramos who was appointed by Governor Schwarzenegger on January 23, 2004, as a member of the California Victim Compensation and Government Claims Board.

The Board voted to adopt the January 23, 2004, Board Meeting minutes.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims Program portion of the meeting at 10:10 a.m.

Item 1¹ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated February 6, 2004, with the following changes:

Item 65⁶⁵ **Claimant: Sara L. Adams** **G539043.L**

The Attorney General's Office requested this late claim application be continued.

Item 133¹³³ **Claimant: Stringer Business Systems** **G540543**

The claimant requested this claim be continued.

Item 236²³⁶ **Claimant: Standard Aero Alliance** **G541793**

Staff recommended revising the decision for direct payment by the Department of Fish and Game and allowed the claim pursuant to Government Code section 965.

Item 385 **CLAIMANT: Kenosha Saunders** **G542740**

Staff recommended revising the decision for direct payment by the Department of Corrections and allowed the claim pursuant to Government Code section 965.

A.	Total claims awarded on consent	104	
	To be paid under GC § 965	27 for	\$160,113.01
	To be paid under claims bill	77 for	\$124,040.03
B.	Claims rejected on consent	408	

Item 2 **CLAIMANT: Richard S. Duran** **G531766**

William Gersten, Staff Counsel, CalPers; Jennifer Tilley, Benefit Analyst, Health Benefits Services Division, CalPers; Jane Howell, Claims Examiner, Government Claims Program, California Victim Compensation and Government Claims Board; and Bruce Crane, Staff Counsel, the California Department of Forestry and Fire Protection, appeared for discussion. After discussion, the Board voted to partially allow the claim in the amount of \$7,261.68, payable to the Department of Forestry and Fire Protection pursuant to Government Code section 13928. Ms. Scott abstained.

Item 3 **CLAIMANT: Blythe Ambulance** **G530259**

The Board voted to adopt the staff recommendation to reject the claim.

Item 4 **CLAIMANT: Wackenhut Corrections Corporation** **G534676**

The Board voted to continue the claim.

Item 5 **CLAIMANT: Kimley-Horn and Associates, Inc.** **G536840**

The Board voted to adopt the staff recommendation to allow the claim for the amount of \$129,049.32 pursuant to Government Code section 965.

Item 6 **CLAIMANT: San Jose Unified School District** **G534136**

The Board voted to adopt the staff recommendation to allow the claim for the amount of \$92,161.00 pursuant to Government Code section 13928.

Item 7 Catherine Close, Interim Executive Officer presented the “**Requests for Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940, et seq.**” After discussion, the Board voted to continue the matter and directed staff to explore collection options, including the Franchise Tax Board and private collection agencies.

The Government Claims Program was completed at 10:15 a.m.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:15 a.m.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the following requests for reconsideration for agenda item numbers 1 through 7, and deny requests for reconsideration for agenda item numbers 8 through 22.

8. CLAIMANT	722833V
9. CLAIMANT	657988V
10. CLAIMANT	546973V
11. CLAIMANT	740451V
12. CLAIMANT	781363V
13. CLAIMANT	702462V
14. CLAIMANT	778019V
15. CLAIMANT	748025V
16. CLAIMANT	722219V
17. CLAIMANT	745123V
18. CLAIMANT	776828V
19. CLAIMANT	775887V
20. CLAIMANT	782569V
21. CLAIMANT	754472V
22. CLAIMANT	784718V

Michael Siegel, victim advocate and attorney, requested that the reconsiderations be placed in numerical order. Ms. Close stated staff will explore the Board's options with the computer system to see if this request can be met; if so, it will be implemented for the March 19, 2004, meeting.

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, agenda item numbers 23 through 63.

Item 64 Judith Kopeck, Interim Chief Counsel, presented the precedent decision in the matter of the application of Y.W., application number 664425 involving reimbursement of chiropractic expenses. After discussion the Board voted to adopt the precedent decision as number 04-01.

EXECUTIVE OFFICER'S REPORT

Ms. Close discussed the "Executive Officer's Report dated February 27, 2004. Next, Richard Anderson, Chief Deputy Executive Officer, addressed the concept paper that was submitted to the Office of Victims of Crime to request a grant to implement training to further develop the Board's staff. Mr. Anderson noted this is an opportunity for California to develop a training program that would position California as a leader in this area.

David Shaw, Deputy Executive Officer, Revenue Recovery and Appeals Division, reported on the progress of four interagency agreements. Mr. Shaw first reported on the ongoing successful partnership with the California Department of Corrections (CDC) for restitution order and fine collection. In FY 2003, CDC collected \$11.6 million in fines and orders on behalf of the Board. CDC has collected \$71 million since it began collecting from inmates in 1992. Mr. Shaw explained that the Board currently funds up to six positions at CDC for restitution collection and training as part of the agreement.

Mr. Shaw next briefed the Board's agreement with the California Youth Authority (CYA) for restitution fines and order collection from Wards of the State. In FY 2003, CYA collected approximately \$500,000 from its much smaller inmate population. The Board funds up to 3 positions at CYA for restitution fine and order collection.

Mr. Shaw next discussed the agreement with the Franchise Tax Board (FTB) for the collection of restitution fines from former CDC parolees (the Post Parolee Project). The Board initially sent FTB 1,000 parolee records in late December 2003 and followed up with an additional 5,000 records in February of 2004. The FTB locates the former parolee and sends out payment demand letters advising them that they owe a restitution debt and the amount that is still outstanding. Mr. Shaw reported that to date FTB has collected \$108,689 from this first group of former parolees, out of which FTB retained \$16,000 in administrative collection fees, with the remainder being deposited into the Restitution Fund. Mr. Shaw explained that CDC discharges approximately 1000 – 2000 parolees each month, and currently has approximately 50,000 individual records that we will begin collections as workload at RRAD and FTB permits.

Finally, Mr. Shaw reported on the agreement between the Revenue Recovery and Appeals Division and the State Controller's Office to fund an audit of six county collections agencies concerning restitution fines and orders. The counties that were audited were part of the 23 Criminal Restitution Compact counties located primarily in district attorneys offices and probation departments, which contract with the Board for restitution order and fine enhancement. Mr. Shaw discussed the Controllers findings and recommendations.

Ms. Close reported that the Board would be conducting audits and reviews of the non-profit providers of mental health services with whom the Board has contracted.

Ms. Close reported on the status of Senate Bill 631, which will have a positive impact on the restitution fund and is moving forward successfully and Assembly Bill 1760, which is currently held in the Senate.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board's Interim Chief Counsel at 10:40 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:00 a.m.

PROPOSED DECISIONS

Item 65 **CLAIMANT** **254104V**

The Board voted to continue the matter.

Item 66 **CLAIMANT** **378886V**

The Board voted to adopt the proposed decision.

Item 67 **CLAIMANT** **422158V**

The Board voted to continue the matter.

Item 68 **CLAIMANT** **526931V**

The Board voted to adopt the proposed decision.

Item 69 **CLAIMANT** **560707V**

The Board voted to adopt the proposed decision.

Item 70 CLAIMANT 567739V

The Board voted to adopt the proposed decision.

Item 71 CLAIMANTS 596921V, 594992V, 596941V, 596971V & 597005V

The Board voted to adopt the proposed decision.

Item 72 CLAIMANT 603215V

The Board voted to continue the matter.

Item 73 CLAIMANT 607702V

The Board voted to adopt the proposed decision.

Item 74 CLAIMANT 608752V

The Board voted to continue the matter.

Item 75 CLAIMANT 698272V

The Board voted to adopt the proposed decision.

Item 76 CLAIMANT 699273V

The Board voted to remand this matter to the Hearing Officer to further develop the record concerning whether the appropriate fee schedule was applied and whether the bill review service applied the correct fee for each specific service.

Item 77 CLAIMANT 708225V

The Board voted to adopt the proposed decision.

Item 78 CLAIMANT 712062V

The Board voted to adopt the proposed decision.

Item 79 CLAIMANT 722532V

The Board voted to adopt the proposed decision.

Item 80 CLAIMANT 724622V

The Board voted to adopt the proposed decision.

Item 81 CLAIMANT 724872V

The Board voted to adopt the proposed decision. The Board, on its own motion, voted to reconsider the issue of eligibility and remanded the matter to the Hearing Officer to determine whether the applicant is eligible for the Victim Compensation Program.

Item 82 CLAIMANT 741736V

The Board voted to adopt the proposed decision.

Item 83 CLAIMANT 743159V

The Board voted to adopt the proposed decision.

Item 84 CLAIMANT 750589V

The Board voted to adopt the proposed decision.

Item 85 CLAIMANT 753596V

The Board voted to adopt the proposed decision.

Item 86 CLAIMANT 753908V

The Board voted to adopt the proposed decision.

Item 87 CLAIMANT 758339V

The Board voted to adopt the proposed decision.

Item 88 CLAIMANT 759495V

The Board voted to adopt the proposed decision.

Item 89 CLAIMANTS 762765V & 762766V

The Board voted to continue the matter.

Item 90 CLAIMANTS 764539V, 764540V

The Board voted to continue the matter.

Item 91 CLAIMANT 765672V

The Board voted to adopt the proposed decision.

Item 92 CLAIMANT 767748V

The Board voted to adopt the proposed decision.

Item 93 CLAIMANT 770619V

The Board voted to adopt the proposed decision.

Item 94 CLAIMANT 773559V

The Board voted to adopt the proposed decision.

Item 95 CLAIMANT 774168V

The Board voted to adopt the proposed decision.

Item 96 CLAIMANT 775065V

The Board voted to adopt the proposed decision.

Item 97 CLAIMANT 784716V

The Board voted to adopt the proposed decision.

Item 98 CLAIMANT 787548V

The Board voted to adopt the proposed decision.

The meeting was adjourned at 12:00 p.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sally Gill
Board Liaison

(Affix seal here)